



City of North Port

ORDINANCE NO. 2025-20

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2-510 REGARDING SUBPOENA PROCEDURES RELATED TO CODE ENFORCEMENT HEARINGS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 162.08 authorizes a municipal code enforcement board to issue subpoenas for testimony and production of documents to alleged violators and witnesses to its hearings; and

WHEREAS, Florida Statutes Chapter 162 provides for the use of a Special Magistrate in addition to or in lieu of a code enforcement board; and

WHEREAS, in accordance with Florida Statutes Chapter 162, Section 2-505 of the Code of the City of North Port ("City Code") establishes the City's hearing officer, who acts as a Special Magistrate in lieu of a code enforcement board; and

WHEREAS, Section 2-510 of the City Code provides the City's subpoena procedures and requires the City Clerk to issue subpoenas for witness testimony and the production of documents upon request for the same to be presented before the City's hearing officer; and

WHEREAS, the City Commission has determined that the City Code's requirement that the City Clerk issue subpoenas for witness testimony and the production of documents should be amended to comply with the requirements of Florida Statutes Section 162.08, authorizing the City's hearing officer to perform those duties; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

- 38
39 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
40 impact estimate on the City's website on or before the date the newspaper published notice of
41 this ordinance's final reading.
42

43 SECTION 2 – ADOPTION

- 44
45 2.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:
46

47 “Chapter 2 – ADMINISTRATION

48 . . .

49 ARTICLE IX. – CODE ENFORCEMENT

50 . . .

51 Sec. 2-510. – Subpoena Procedures.

- 52
53 (a) *Subpoena for testimony before the hearing officer.* Every subpoena for testimony before the
54 hearing officer shall be issued by the ~~clerk to the city commission~~ hearing officer under the
55 seal of the city. Each subpoena shall be prepared by the party requesting its issuance and
56 shall state the name of the hearing officer, the title of the action, the case number of the
57 action, the name and address of the person to whom the subpoena is issued and the time,
58 place, and location of the hearing at which the person is directed to appear ~~and shall be~~
59 ~~prepared by the party requesting issuance.~~
60
61 (b) *Subpoena for production of documentary evidence.* A subpoena may also command the
62 person to whom it is directed to produce the books, papers, documents, or tangible items
63 designated therein. The hearing officer upon motion by a party and promptly and in any
64 event at or before the time specified in the subpoena for compliance therewith, may quash
65 or modify the subpoena if it is unreasonable and oppressive or condition denial of the
66 motion upon the advancement by the person in whose behalf the subpoena is issued of the
67 reasonable cost of producing the books, papers, documents, or tangible items.
68
69 (c) *Service of subpoenas.* A subpoena may be served by the sheriff of the county where the
70 person to be served is found or by the city police department. Service is made by delivering
71 a copy of the subpoena to the person to be served or by leaving the copies at ~~his~~ their usual
72 place of abode with any person residing therein who is 15 years of age or older and
73 informing the person of their contents. All officers to whom subpoenas have been directed
74 for service shall note on the original subpoena the time it comes into ~~his~~ the officer's
75 possession, the time when it is executed, the manner of execution and the name of the
76 person on whom it was executed. The original subpoena shall be filed with the clerk ~~of the~~
77 ~~city commission~~ to the hearing officer. Payment of any service fee shall be made by the
78 party at whose request the service is made.
79
80 (d) *Witness fee and payment.* Persons subpoenaed shall be entitled to a witness fee and
81 mileage compensation as provided for in F.S. § 92.142. The cost of the witness fee and
82 mileage compensation shall be borne by the party at whose request the subpoena is issued
83 and shall be paid to the witness at or before the time of service. Failure to timely pay the
84 witness fee and mileage compensation shall render the subpoena void.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on September 9, 2025.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on September 23, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY